**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 8297 OF 2004**

The New India Assurance Co. Ltd... Petitioner

Versus

Shri. Aziz Yusuf Naik & Anr. ...Respondents

Mr. S.R. Singh i/by S.R. Singh & Co. for Petitioner.

**CORAM : F.I. REBELLO,J.**
**DATED : OCTOBER 19, 2005**

P.C.

. The issue which has been raised would require evidence to be recorded. In the instant case, admittedly insurance cover was anticipated from 3rd June, accident took place on 5th June. The policy was issued on 6th June. Considering that it will not be possible for this court to interfere with the findings in so far as insurance contract is concerned as to whether it was validly issued on 3rd June. That issue is left open for consideration of the tribunal.

. With the above observations, petition stands disposed of.

**(F.I. REBELLO,J.)**